

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

HARRISON FRANKLIN,

Plaintiff/Petitioner,

v.

MICHAEL MEISNER, Warden,

Defendant/Respondent.

ORDER

12-cv-825-wmc

Plaintiff Harrison Franklin, a prisoner at the Columbia Correctional Institution in Portage, Wisconsin has filed a pleading styled as a petition for a writ of mandamus. Because the filing was not accompanied by the \$350 fee for filing this case, I construe plaintiff's submission to include a request for leave to proceed *in forma pauperis*. A decision on the request will be delayed until plaintiff pays an initial partial payment of the \$350 filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Plaintiff's initial partial payment cannot be calculated at this time because he has not submitted a trust fund account statement with his filing.

Plaintiff's case was filed on November 12, 2012. His trust fund account statement should cover the six-month period beginning approximately May 12, 2012 and ending approximately November 12, 2012. Once plaintiff has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under 28 U.S.C. § 1915(e)(2). Plaintiff should show a copy of this order to prison officials to insure that they are aware they should send a copy of plaintiff's six-month trust fund account statement to this court.

ORDER

IT IS ORDERED that plaintiff Harrison Franklin may have until December 10, 2012, in which to submit a certified copy of his trust fund account statement for the period beginning approximately May 12, 2012 and ending approximately November 12, 2012. If, by December 10, 2012, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily. In that event, the clerk of court is directed to close this case without prejudice to plaintiff's filing his case at a later date.

Entered this 19th day of November, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge